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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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James A. Thomas

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06/29/2006

INTERNATIONAL TRUCK INTELLECTUAL PROPERTY COMPANY,  
4201 WINFIELD ROAD  
P.O. BOX 1488  
WARRENVILLE, IL 60555

EXAMINER

HERRERA, JENNIFER

ART UNIT

PAPER NUMBER

3652

DATE MAILED: 06/29/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/780,369	THOMAS, JAMES A.	
	Examiner	Art Unit	
	Jennifer P. Herrera	3652	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 17 February 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☒ Claim(s) 11 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 November 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>6/11/2004</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Drawings*

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters:

- a. "25" and "27" have both been used to designate the main segment in paragraph 0022,
- b. "13" and "47" have both been used to designate the bed, and
- c. "direction B" and "direction K" have both been used to designate the platform being withdrawn into the trailer,
- d. "A" and "H" have both been used to designate the rotation of the mid segment with respect to the main segment, clockwise and counterclockwise direction should be insignificant since the motion is the same only the direction is perceived differently from any view, and
- e. "B" and "I" have both been used to designate the rotation of the end segment with respect to the mid segment, clockwise and counterclockwise direction should be insignificant since the motion is the same only the direction is perceived differently from any view.

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character:

- a. "13" has been used to designate both the target surface and the bed,
- b. "A" has been used to designate the platform retracted position, rotation of the mid section, the step of palletized freight units, and the designated freight module,
- c. "B" has been used to designate platform intermediate position, rotation of end segment, direction of the platform withdrawn into the trailer, step of reposition palletized units, and designated freight module,
- d. "C" has been used to designate the platform maximum extension, the step to position the palletized unit on the end segment with a clear mid segment, and designated freight module,
- e. "D" has been used to designate both platform reconfigured position and designated freight module,
- f. "35" has been used to designate both hydraulic piston and pneumatics actuator, and
- g. "37" has been used to designate both hydraulic piston and pneumatic actuator.

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: "39" in Figure 6, directions of "A" & "C" in Figure 7, and directions of "E", "F", "G", and "J" in Figure 11.

Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

#### *Specification*

4. The disclosure is objected to because of the following informalities:
- a. Incorrect spelling of:

- i. mid segment in paragraph 0023, lines 13–14, and
  - ii. from in paragraph 0027, line 4.
- b. Reference characters are missing:
  - i. for the different referencing of the freight modules “19” described in the detailed description in:
    - (1) paragraph 0021, line 2 for “palletized freight”,
    - (2) paragraph 0021, lines 8–9, and paragraph 0024, line 3, for “freight”,
    - (3) paragraph 0021, line 9, paragraph 0022, line 13, paragraph 0029, line 6, and paragraph 0030, lines 2–3 for “palletized unit(s)”,
    - (4) paragraph 0022, line 12, paragraph 0023, line 2, and paragraph 0029, line 7, for “unit(s)”,
    - (5) paragraph 0024, lines 4–5, paragraph 0025, line 8, and paragraph 0036, lines 1–3 for “cargo”,
    - (6) paragraph 0024, line 5 for “pallets”,
  - ii. for the bed in paragraph 0021, lines 3–4, paragraph 0023, line 5, paragraph 0024, line 8, paragraph 0035, line 12, and paragraph 0036, line 4

- iii. for the trailer "10" in paragraph 0021, lines 3–5, paragraph 0023, lines 5–6, paragraph 0024, line 3, paragraph 0025, line 7, paragraph 0035, lines 11–12, and paragraph 0036, line 1,
- iv. for the segment(s) "21, 23, and/or 25" in paragraph 0022, lines 2–3, and 9, paragraph 0023, lines 1–2, paragraph 0024, lines 4, and 8, paragraph 0027, lines 1 and 3, paragraph 0028, lines 1, 3, and 5, paragraph 0030, lines 3 and 5, paragraph 0031, lines 3–4, 6, and 7, and paragraph 0035, line 11,
- v. for the hydraulic pistons/pneumatic actuators "35 and 37" in paragraph 0022, line 8, and paragraph 0023, lines 11–12, and paragraph 0032, line 5,
- vi. for the conveyor(s) "27, 31, and 41" in paragraph 0022, line 11, paragraph 0025, line 1, paragraph 0026, lines 7–8, paragraph 0028, line 5, paragraph 0030, lines 1 and 4, paragraph 0031, line 8, and paragraph 0033, lines 3 and 5–6,
- vii. for the platform "11" in paragraph 0023, lines 4 and 12, paragraph 0025, lines 3 and 7, paragraph 0027, line 3, and paragraph 0035, lines 6–7,

- viii. for the opening "17" in paragraph 0023, line 5,
- ix. for the end "29" in paragraph 0025, line 3, and paragraph 0031, line 8,
- x. for the target surface in paragraph 0025, line 5, and paragraph 0031, line 9,
- xi. for the translation mechanism "43" in paragraph 0026, line 6,
- xii. for the track(s) "45" in paragraph 0027, line 5,
- xiii. for the joint "53" in paragraph 0028, line 4,
- xiv. for the motor(s) "79, 80, and 81" in paragraph 0033, line 4, and paragraph 0035, line 4, and
- xv. for the valve body "73, 74, and 75" in paragraph 0033, line 5.

Appropriate correction is required.

### *Claim Objections*

5. Claim 11 is objected for the platform translation system, as understood by the examiner, extended the translatable platform from an open end, not a side of the trailer. Figures 1–4 and 6–8 validate the platform extended from the rear end of the trailer. In paragraph 0023, line 6, the applicant states a conceivable side platform



except, as understood by the Examiner, an entire different apparatus would be created for a side extension platform.

*Claim Rejections – 35 USC § 112*

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

a. Claims 1, 3, 5, 7-9, and 11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

i. Regarding claim 1, it is unclear whether the applicant is claiming the combination of the platform and support or just the subcombination of the platform. To advance prosecution of these claims, it is going to be assumed that the subcombination of the platform is being claimed. See claim 2 for the combination. Regarding claim 1:

(1) "in alignment," line 3, the end used to align the segments is indefinite. The alignment is unclear because there are multiple combinations to attach the ends of the segments,

(2) "the end," lines 7 & 10, is unclear because any it is unclear which element the end belongs to, and

(3) "vertically repositioning," line 12, is unclear because vertical movement has not been established.

ii. Regarding claim 7, "an edge," lines 4–5 are unclear because multiple edges exist on the conveyor section.

b. Claim 3 recites the limitations:

i. "a unit" in line 2. It is unclear if there is a separate unit from the unit disclosed in claim 1, and

ii. "the third member" in line 6. A third segment has been disclosed and it is unclear if the third member is referring to the third segment.

c. Claim 5 recites the limitation "the ground" in line 4. It is unclear if "the ground" is previously disclosed as "external surface" or if it is a new surface.

d. Claim 7 recite the limitations:

i. "main conveyor section" in line 9. It is unclear whether the main conveyor section is from the previously disclosed in claim 7, line 4 or a new main conveyor section exists, and

- ii. "mid conveyor section" in line 12. It is unclear whether the mid conveyor section is from the previously disclosed in claim 7, line 4 or a new mid conveyor section exists.
- e. Claim 8 recites the limitation "the height" in line 2,
- f. Claim 9 recite the limitations:
  - i. "the articulation" in line 5,
  - ii. "a target surface" in line 6. It is unclear if "target surface" is referring to "the surface" in claim 7, line 11.
- g. Claim 11 recites the limitation "the principal upper surface" in line 8.
- h. There is insufficient , antecedent basis for this limitation in the claim.

*Claim Rejections – 35 USC § 103*

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

a. Claims 1–5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Torneback et al. (U.S. 4,180,172) (“Torneback”) in view of Lowe et al. (U.S. 2,892,556) (“Lowe”), and further in view of Anger et al. (U.S. 2,885,616) (“Anger”).

i. Regarding claim 1, Torneback discloses a segmented platform in alignment from each end in column 1, lines 49–62. Lowe discloses an extension mechanism to move the segments in column 1, lines 33–35. Lowe also discloses a positioning mechanism (48) in column 1, lines 72–75, and column 2, lines 1–4. Therefore it would have been obvious to a person having ordinary skill in the art at the time of the invention to add Lowe’s extension and positioning mechanism to Torneback’s segmented platform to secure the movement and positioning of the platform during usage. Anger discloses a three-segmented platform equipped with independent conveyors in column 1, lines 17–19, and column 7, lines 44–47. Therefore it would have been obvious to a person having ordinary skill in the art at the time of the invention to add Anger’s independent conveyors to Torneback’s and Lowe’s apparatus to facilitate the user with a moving system with in the platform.

ii. Regarding claim 2, Torneback discloses a truck trailer (3) for the mobile bed in column 1, line 49. Therefore it would have been obvious to a person having ordinary skill in the art at the time of the invention to use Torneback's trailer as transportation for the apparatus disclosed in claim 1 since trailers are globally used to transport cargo.

iii. Regarding claim 3, Lowe discloses a controller for the extension and retraction of the three segments in column 3, lines 45-52. Anger discloses a controller for the conveyors in column 1, lines 15-20, and column 7, lines 42-48. Therefore it would have been obvious to a person having ordinary skill in the art at the time of the invention to add Lowe's and Anger's controller to the apparatus disclosed in claim 2 to allow an easy operation of the apparatus for the user.

iv. Regarding claim 4, Torneback discloses segments articulated to support cargo while the platform is fully extended in column 1, lines 49-62. Therefore it would have been obvious to a person having ordinary skill in the art at the time of the invention to add Torneback's support system to the apparatus in claim 3 to insure the sustainability of the segments during the use of moving the cargo.

v. Regarding claim 5, Lowe discloses the controller providing the retraction of the three segments in column 3, lines 45–52. Anger discloses the conveyor in column 1, lines 15–20, and column 7, lines 42–48. Therefore it would have been obvious to a person having ordinary skill in the art at the time of the invention to add Lowe’s controller, and Anger’s conveyor to the apparatus disclosed in claim 4 to manipulate the movement of the cargo within the three segments.

b. Claim 6 rejected under 35 U.S.C. 103(a) as being unpatentable over Torneback in view of Lowe in view Anger as applied to claims 1–5 above, and further in view of Eckelberry et al. (U.S. Publication 2002/0130479 A1) (“Eckelberry”). Torneback, Lowe, and Anger do not disclose a trailer height adjustment mechanism. Eckelberry discloses a height adjustment mechanism in paragraph 0026. Therefore it would have been obvious to a person having ordinary skill in the art at the time of the invention to add Eckelberry’s height adjustment mechanism to Torneback’s, Lowe’s, and Anger’s apparatus to give the trailer the ability to adjust to various terrains that trailer may encounter during the unloading of cargo.

- c. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Torneback in view of Anger, and further in view of Schwartz et al. (U.S. 2,710,105) ("Schwartz") and Roth et al. (U.S. 4,180,366) ("Roth"). Torneback discloses a trailer in column 1, lines 21–25, and the supporting main, mid, and end conveyor sections abutted along edges in column 1, lines 49–62. Anger discloses the three conveyors in column 1, lines 15–20, and column 7, lines 42–48. Schwartz discloses the track for the horizontal movement of the conveyor sections in column 2, lines 71–72 and column 3, lines 1–7. Roth discloses the 90 degree rotations of the mid conveyor section with respect to the main conveyor section, and the end conveyor section with respect to the mid conveyor section shown in Figure 2, and column 1, lines 67–68, column 2, lines 1–9 and 62–68, and column 3, lines 1–5 and 23–30. Therefore it would have been obvious to a person having ordinary skill in the art at the time of the invention to add Schwartz's track and Roth's 90-degree rotations to Torneback's and Anger's three-conveyor sectional platform and trailer to broaden the capabilities of a platform accommodating different height surfaces.
- d. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Torneback in view of Anger in view of Schwartz in view of Roth as applied to

claim 7 above, and further in view of Eckelberry. Eckelberry discloses a suspension control system in paragraph 0026. Therefore it would have been obvious to a person having ordinary skill in the art at the time of the invention to add Eckelberry's suspension to the apparatus disclosed in claim 7 to assist the rotating conveyor sections in diverse settings of the height with respect the surface of unloading the cargo.

e. Claim 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Torneback in view of Anger in view of Schwartz in view of Roth in view of Eckelberry as applied to claim 8 above, and further in view of Lowe.

i. Regarding claim 9, Lowe discloses a controller extending the conveyor sections in column 3, lines 45–52. Eckelberry discloses the controller for the height adjustment in paragraph 0031, lines 11–19. Roth discloses the controller for the rotational conveyor sections in column 6, lines 65–69 and column 7, lines 1–4. Therefore it would have been obvious to a person having ordinary skill in the art at the time of the invention to add the controller's from Lowe, Eckelberry, and Roth to the apparatus claimed in 8 to aid the user in the movement of the platform.



- ii. Regarding claim 10, Anger discloses a controller for the conveyors of the conveyor sections in column 7, lines 43–48. Therefore it would have been obvious to a person having ordinary skill in the art at the time of the invention to add Anger’s controller to the apparatus disclosed in claim 9 to allow the user manual effortless in moving the cargo.
- f. Claim 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Torneback in view of Anger in view of Roth, and further in view of Lowe.
  - i. Regarding claim 11, Torneback discloses a segmented translatable platform with the ability to support cargo in column 1, lines 21–25 and lines 49–62. Roth discloses rotational axis for the mid and end segments in Figure 2, and column 1, lines 67–68, column 2, lines 1–8 and 62–68, and column 3, lines 1–5 and lines 23–30. Anger discloses conveyors in column 1, lines 15–20, and column 7, lines 42–48. Lowe discloses a platform translation system in column 3, lines 45–52. Therefore it would have been obvious to a person having ordinary skill in the art at the time of the invention to add Torneback’s platform with the ability of Lowe’s system, Anger’s conveyors, and Roth’s rotational segments to have a device capable of versatility for any surface encountered to unload cargo.

ii. Regarding claim 12, . Roth discloses a rotation system for the mid and end segments in column 1, lines 67-68, column 2, lines 1-8 and 62-68, and column 3, lines 1-5 and lines 23-30. Therefore it would have been obvious to a person having ordinary skill in the art at the time of the invention to add Roth's system to the device disclosed in claim 11 to place the cargo on a surface below the platform's retracted position. The ability of lowering the segments would ensure the unloading of cargo on a surface other than height level of the trailer.

g. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Torneback in view of Anger in view of Roth in view Lowe as applied to claims 11 and 12 above, and further in view of Eckelberry. Eckelberry discloses a trailer suspension system in paragraph 0026. Therefore it would have been obvious to a person having ordinary skill in the art at the time of the invention to add Eckelberry's suspension system to the device disclosed in claim 12 to assist the lowering of the segments with respect to the target surface.

*Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer P. Herrera whose telephone number is (571) 272-6269. The examiner can normally be reached on 0830-1700 hrs Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen Lillis can be reached on (571) 272-6928. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JPH  
6/8/06

  
EILEEN D. LILLIS  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600